



PATENT
ATTORNEY DOCKET NO. 00398/518002

Certificate of Mailing: Date of Deposit: December 11, 2006

I hereby certify under 37 C.F.R. § 1.8(a) that this correspondence is being deposited with the United States Postal Service as **first class mail** with sufficient postage on the date indicated above and is addressed to Mail Stop Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Megan Kiley
Printed name of person mailing correspondence

Megan Kiley
Signature of person mailing correspondence

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Michael E. Mendelsohn et al. Confirmation No.: 4319
Serial No.: 10/715,632 Art Unit: 1652
Filed: November 17, 2003 Examiner: K.Gebreyesus
Customer No.: 21559
Title: COMPOSITIONS INVOLVING M-RIP, AND RELATED
METHODS FOR SCREENING FOR ANTI-HYPERTENSIVE
AGENTS, AND USES THEREOF

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705

In response to the Determination of Patent Term Adjustment under 35 U.S.C.
§ 154(b) indicated on the front cover of U.S. Patent No. 7,122,655, Applicants hereby
request reconsideration of the patent term adjustment.

The correct patent term adjustment is 232 days. The calculation of Applicants' delay
is incorrect and should be changed from 210 days to 90 days.

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Applicants agree with the calculation of 322 days of USPTO delay.

The relevant dates as specified in §§ 1.704(a) through (e) for which an adjustment is sought are as follows:

Applicants agree with the determination of a delay of 90 days prior to the issuance of the Notice of Allowance.

The Office has ascribed 120 days of delay for “Workflow- Drawings Finished” (see PTA History from PAIR, Exhibit 1). The date is the date the Office received formal drawings in compliance with Notice Regarding Drawings mailed on April 7, 2006, after the issue fee was paid. This Notice from the Office was the first request for formal drawings, and Applicants promptly replied. During prosecution, the Office issued a Notice to File Missing Parts on March 19, 2004 (Exhibit 2) requesting replacement drawings for Figures 2D and 6B. Applicant replied on May 21, 2004, enclosing a Petition to Accept Color Drawings and replacement copies of Figures 2D and 6B (Exhibit 3). The Office subsequently issued a Notice of Allowability on July 7, 2005 (Exhibit 4), in which the drawings filed on November 17, 2003, i.e., the filing date, were accepted. Applicants submit that compliance with the Notice after payment of the issue fee was not a failure to engage in reasonable efforts to conclude prosecution, as the Office expressly indicated to Applicants during prosecution that the drawings were acceptable.

The total number of days of Applicants’ delay is thus 90 days, not 210 days as calculated by the Office.

The term of adjustment under 37 C.F.R. § 1.703 (f), equal to the sum of the periods calculated under 37 C.F.R. §§ 1.703 (a) through (e), to the extent that such periods are not overlapping, less the sum of the periods calculated under 37 C.F.R. § 1.704, is 232 days.

The application is not subject to a terminal disclaimer.

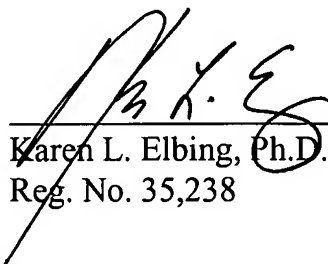
CONCLUSION

Applicants submit that the current patent term adjustment should be 232 days, with an Applicants' delay of 90 days, and request reconsideration of the patent term adjustment.

Applicants submit \$200.00 for the fee set forth in 37 C.F.R. § 1.18(e). If there are any additional charges or any credits, please apply them to Deposit Account No. 03-2095.

Respectfully submitted,

Date: 11 December 2006



Karen L. Elbing, Ph.D.
Reg. No. 35,238

Clark & Elbing LLP
101 Federal Street
Boston, MA 02110
Telephone: 617-428-0200
Facsimile: 617-428-7045

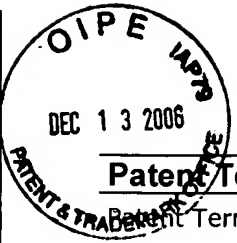


EXHIBIT 1

Patent Term Adjustments

Patent Term Adjustment (PTA) for Application Number: 10/715,632

Filing or 371(c) Date:	11-17-2003	USPTO Delay (PTO) Delay (days):	322
Issue Date of Patent:	10-17-2006	Three Years:	-
Pre-Issue Petitions (days):	+0	Applicant Delay (APPL) Delay (days):	210
Post-Issue Petitions (days):	+0	Total PTA (days):	112
USPTO Adjustment(days):	+0	Explanation Of Calculations	

Patent Term Adjustment History

Date	Contents Description	PTO(Days)	APPL(Days)
10-17-2006	Patent Issue Date Used in PTA Calculation	322	
08-10-2006	Dispatch to FDC	↑	
05-10-2006	Workflow - Drawings Finished		120
05-02-2006	Receipt into Pubs		↑
04-07-2006	Miscellaneous Communication to Applicant - No Action Count		↑
07-29-2005	Response to Reasons for Allowance		↑
01-12-2006	Application Is Considered Ready for Issue		↑
07-29-2005	Issue Fee Payment Verified		↑
12-20-2005	Receipt into Pubs		↑
12-01-2005	Sequence Forwarded to Pubs on Tape		↑
07-29-2005	Issue Fee Payment Received		↑
07-19-2005	Receipt into Pubs		↑
07-07-2005	Mail Notice of Allowance		↑
07-06-2005	Notice of Allowance Data Verification Completed		↑
05-05-2005	Information Disclosure Statement (IDS) Filed		↑
05-05-2005	Affidavit(s) (Rule 131 or 132) or Exhibit(s) Received		↑
05-16-2005	Date Forwarded to Examiner		↑
05-05-2005	Response after Non-Final Action		90
05-05-2005	Request for Extension of Time - Granted		↑
11-04-2004	Mail Non-Final Rejection		↑
11-01-2004	Non-Final Rejection		
10-28-2004	Date Forwarded to Examiner		
10-12-2004	Response to Election / Restriction Filed		
10-12-2004	Workflow incoming amendment IFW		
09-07-2004	Mail Restriction Requirement		
09-02-2004	Requirement for Restriction / Election		
06-29-2004	IFW TSS Processing by Tech Center Complete		
06-29-2004	Case Docketed to Examiner in GAU		
05-21-2004	Preliminary Amendment		
06-07-2004	Application Return from OIPE		
06-07-2004	Application Return TO OIPE		
06-07-2004	Application Dispatched from OIPE		

06-07-2004 Application Is Now Complete
05-19-2004 Additional Application Filing Fees
05-19-2004 A set of symbols and procedures, provided to the PTO on a set
of computer listings, that describe in
05-19-2004 A statement by one or more inventors satisfying the
requirement under 35 USC 115, Oath of the Applic
05-19-2004 Applicant has submitted new drawings to correct Corrected
Papers problems
06-01-2004 CRF Is Good Technically / Entered into Database
03-19-2004 Notice Mailed--Application Incomplete--Filing Date Assigned
02-11-2004 Cleared by L&R (LARS)
02-03-2004 Referred to Level 2 (LARS) by OIPE CSR
12-18-2003 IFW Scan & PACR Auto Security Review
11-17-2003 Initial Exam Team nn

Close Window

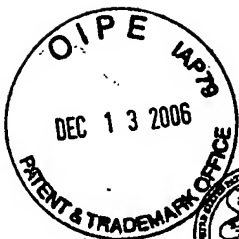


EXHIBIT 2

Page 1 of 2



UNITED STATES PATENT AND TRADEMARK OFFICE

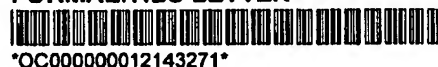
UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/715,632	11/17/2003	Michael E. Mendelsohn	00398/518002

21559
CLARK & ELBING LLP
101 FEDERAL STREET
BOSTON, MA 02110

CONFIRMATION NO. 4319

FORMALITIES LETTER



OC000000012143271

Date Mailed: 03/19/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

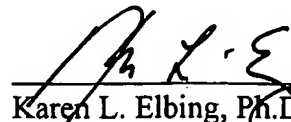
- Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121 are required. The drawings submitted are not acceptable because:
 - The drawings submitted to the Office are not electronically reproducible. Drawing sheets must be submitted on paper, which is flexible, strong, white, smooth, non-shiny, and durable (see 37 CFR 1.84(e)). See Figure(s) 2D,6B.
- This application clearly fails to comply with the requirements of 37 CFR. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable

Applicants further note that the specification has been amended to contain the language set forth in 37 C.F.R. § 1.84(a)(2)(iv).

If there are any additional charges or any credits, please apply them to Deposit Account No. 03-2095.

Respectfully submitted,

Date: 19 May 2004



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Facsimile: 617-428-7045

F:\00398\00398.518002 Petition to Accept Color Drawings.doc

EXHIBIT 3



PATENT

ATTORNEY DOCKET NUMBER: 00398/518002

Certificate of Mailing: Date of Deposit: <u>5/19/04</u>	
I hereby certify under 37 C.F.R. § 1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated above and is addressed to Mail Stop Mising Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
Colleen Coyne Printed name of person mailing correspondence	<u>Colleen Coyne</u> Signature of person mailing correspondence

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Michael E. Mendelsohn et al. Art Unit: 1646

Serial No.: 10/715,632 Examiner:

Filed: November 17, 2003 Customer No.: 21559

Title: COMPOSITIONS INVOLVING M-RIP, AND RELATED METHODS FOR SCREENING FOR ANTI-HYPERTENSIVE AGENTS, AND USES THEREOF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO ACCEPT COLOR DRAWINGS

Applicants hereby petition under 37 C.F.R. § 1.84(a)(2) that the enclosed color drawings are the only practical medium to disclose the subject matter of the above-captioned application.

Color drawings are necessary to depict the cellular localization of the indicated proteins in the immunostains of Figure 2D and 6B.

Enclosed is a check for \$130.00 to cover the fee required by 37 C.F.R. § 1.17(h); three sets of the color drawings; and a black and white photocopy of the color drawings.

05/24/2004 MBLAND 00000012 10715632

02 FC:1460

130.00 OP

form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

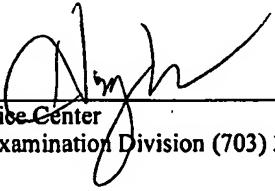
SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$65 for a Small Entity

- \$65 Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 3 - OFFICE COPY



EXHIBIT 4

Notice of Allowability

Application No.

10/715,632

Examiner

Kagnew H. Gebreyesus

Applicant(s)

MENDELSON ET AL.

Art Unit

1652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to June 7, 2005.
2. ☒ The allowed claim(s) is/are 5, 6, 7 and 8.
3. ☒ The drawings filed on 17 November 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>5/05</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |